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OFFICE OF PETITIONS

In re Application of :
Collis, et al. : DECISION ON APPLICATION
Application No. 09/871,564 : FOR PATENT TERM ADJUSTMENT
Filed: May 31, 2001 :
Atty. Dkt. No.: CA2295US-NP :

This is a decision on the "Combined Request for Reconsideration of Patent Term Adjustment Indicated in the Notice of Allowance (37 C.F.R. § 1.705) and Statement of the Correct Patent Term Adjustment: Basis(es) Under § 1.702 for the Adjustment (37 C.F.R. § 1.705(b)(2)(i) and (ii))," filed November 4, 2008. This matter is being treated as an application for patent term adjustment under 37 CFR 1.705(b).

The application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is hereby **GRANTED TO THE EXTENT INDICATED HEREIN.**

The Determination of Patent Term Adjustment mailed August 13, 2008 indicated that the application is entitled to adjustment of 486 days. Applicants argue that the correct adjustment is 612 days.

The correct PTA at the time of the allowance is 632 days, as discussed herein.

Applicants do not dispute the adjustments totaling 1,002 days. Applicants do not contest the reductions totaling 390 days.

Applicants contest the reduction of 126 days in connection with the reply to the restriction requirement, a copy of which was received via facsimile on December 1, 2005. Applicants argue that the reply to the restriction requirement was filed via facsimile on August 26, 2005.

A review of the record reveals that a restriction requirement was mailed April 28, 2005. As established by applicants, a reply to the restriction requirement was filed August 26, 2005. (A

copy of the reply was submitted via facsimile on December 1, 2005.) Thus, in accordance with 37 CFR 1.704(b), the adjustment is subject to a reduction of 29 days, rather than 126 days, in connection with the submission of the reply to the restriction requirement on August 26, 2005. The reduction commenced July 29, 2005, the day after the date that is three months after the date that the restriction requirement was mailed, and ended August 26, 2005, the date that the reply thereto was filed.

The application is entitled to further adjustment of 49 days in accordance with 37 CFR 1.702(a)(2) in connection with the mailing of the non-final Office action on February 13, 2006. The adjustment commenced December 27, 2005, the day after the date that is four months after the date that the reply to the restriction requirement was filed, and ended February 13, 2006, the date that the non-final Office action was mailed. See, 37 CFR 1.703(a)(2).

In review thereof, as of the time of allowance, the application is entitled to an adjustment of 632 days (adjustments totaling 1,051 days less reductions totaling 419 days).

Receipt is hereby acknowledged of the required PTA application fee of \$200.00.

Applicants are further advised that the patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

The application file is being forwarded to the Office of Patent Publications for issuance of a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Kery Fries

Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Adjusted PAIR Calculation

Day : Wednesday

Date: 12/17/2008

Time: 15:17:38

PALM INTRANET**PTA Calculations for Application: 09/871564**

Application Filing Date:	05/31/2001	PTO Delay (PTO):	1002
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	516
Post-Issue Petitions:	0	Total PTA (days):	632
PTO Delay Adjustment:	146		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
75	12/17/2008	ADJUSTMENT OF PTA CALCULATION BY PTO	146		
66	08/13/2008	MAIL NOTICE OF ALLOWANCE			
65	08/11/2008	ISSUE REVISION COMPLETED			
64	08/11/2008	DOCUMENT VERIFICATION			
63	08/11/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
62	08/11/2008	NOTICE OF ALLOWABILITY			
58	06/19/2008	DATE FORWARDED TO EXAMINER			
57	05/30/2008	RESPONSE AFTER NON-FINAL ACTION		87	53
56	05/30/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
55	12/05/2007	ELECTRONIC REVIEW			
54	12/04/2007	EMAIL NOTIFICATION			
53	12/04/2007	MAIL NON-FINAL REJECTION			
52	11/28/2007	NON-FINAL REJECTION			
51	10/04/2007	DATE FORWARDED TO EXAMINER			
50	09/24/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
49	10/04/2007	DATE FORWARDED TO EXAMINER			
48	09/24/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
47	10/04/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
46	09/24/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
45	09/24/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
44	05/04/2007	ELECTRONIC REVIEW			

43	05/03/2007	EMAIL NOTIFICATION			
42	04/30/2007	MAIL ADVISORY ACTION (PTOL - 303)			
41	04/26/2007	ADVISORY ACTION (PTOL-303)			
40	04/25/2007	DATE FORWARDED TO EXAMINER			
39	04/23/2007	AMENDMENT/ARGUMENT AFTER NOTICE OF APPEAL			
38	04/23/2007	NOTICE OF APPEAL FILED		90	36
37	04/23/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
36	10/23/2006	MAIL FINAL REJECTION (PTOL - 326)			
35	10/19/2006	FINAL REJECTION			
34	08/16/2006	DATE FORWARDED TO EXAMINER			
33	08/10/2006	RESPONSE AFTER NON-FINAL ACTION		89	31
32	08/10/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
31	02/13/2006	MAIL NON-FINAL REJECTION			
30	02/08/2006	NON-FINAL REJECTION			
29	03/06/2003	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
28	12/19/2005	DATE FORWARDED TO EXAMINER			
27	12/01/2005	RESPONSE TO ELECTION / RESTRICTION FILED		126	25
26	12/01/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
25	04/28/2005	MAIL RESTRICTION REQUIREMENT	1002		-1
24	04/27/2005	REQUIREMENT FOR RESTRICTION / ELECTION			
23	03/17/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
22	03/17/2005	CASE DOCKETED TO EXAMINER IN GAU			
21	03/06/2003	REFERENCE CAPTURE ON IDS			
20.7	03/06/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
20	03/06/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
19	08/01/2001	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
18	01/18/2005	APPLICATION RETURN FROM OIPE			
17	01/18/2005	APPLICATION IS NOW COMPLETE			
16	01/18/2005	APPLICATION RETURN TO OIPE			
15	01/18/2005	APPLICATION DISPATCHED FROM OIPE			

14	01/18/2005	APPLICATION IS NOW COMPLETE			
13	03/07/2002	ADDITIONAL APPLICATION FILING FEES		124	5
12	03/07/2002	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
11	12/29/2004	MAIL-PETITION TO REVIVE APPLICATION - GRANTED			
10	03/07/2002	PETITION ENTERED			
9	12/29/2004	WITHDRAW PUBLICATION/PRE-EXAM ABANDON			
8	12/04/2001	ABANDONMENT -- DURING PREEXAM PROCESSING			
7	01/14/2002	ADDITIONAL APPLICATION FILING FEES			
6	01/14/2002	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
5	08/03/2001	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
3	08/01/2001	CORRESPONDENCE ADDRESS CHANGE			
2	06/11/2001	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	05/31/2001	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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